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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,555

Applicant(s)

YOKOYAMA ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. The After-Final Amendment filed on June 3, 2005 has been received and entered. Claims 7-8 are pending.
2. After reconsideration in light of the newly presented art below, a non-final rejection is hereby presented.

Claim Objections

3. Claims 7-8 are objected to because of the following informalities:

Claim 7 recites "a message" in line 12. However, "a message" was initially introduced in the claim earlier in line 5, is this a new message that is being introduced or the same original message? There is insufficient antecedent basis for this limitation in the claim. There's already a prior reference to "a message" made. Similarly, the recitation of "a change in the value" in line 13 was previously introduced in line 10. As well as, the recitation of "an event" in line 18 was previously introduced in line 5. Correction is required.

Claim 8 recites "a message" in line 6. However, "a message" was initially introduced in the previous claim 7 of which 8 is dependent upon, is this a new message that is being introduced or the same original message? There is insufficient antecedent basis for this limitation in the

claim. There's already a prior reference to "a message" made. Similarly, the recitation of "an event" in line 3 was previously introduced in claim 7 on which claim 8 depends.

Correction is required.

In claim 8, line 6, the recitation of "a different network" is confusing and misleading. It is not clear to the Examiner if the "different network" is yet a third network or just merely another reference to the "second network" introduced in claim 7. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 is not statutory because it merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application. The use of a computer has not been indicated.

These claims do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. In other words the software must be computer-readable. Furthermore, there is no hardware or storage tied to the claimed steps in order to realize their functionality. Although, the claim recites "a network", in itself does not necessarily imply a "computer or physical network".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky et al. (U.S. Patent No. 5,777,580) in view of Menig et al. (U.S. Patent No. 6,289,332 B2).

As to claim 7, Janky et al. discloses a distributed system comprising:

a first network to which at least one device for periodically sending or receiving a message is connected (See column 9, lines 4-16, wherein “first network” reads on “WAN” network);

a second network to which at least one device for performing the sending or receiving of a message in response to an event or demand is connected (See column 9, lines 21-28, wherein “second network” reads on “LAN” network); and

a gateway connected to said first and second networks (See column 10, lines 31-36), said gateway having periodic message receiving means for receiving messages which said first network sends periodically, first memory means for storing the message received by said periodic message receiving means, message value change detecting means for detecting the change of the value of the data included in the message stored in said memory means, and event message sending means for producing a message from the data stored in said memory means

Art Unit: 2165

when said message value change detecting means detects a change of the value of the data, and for delivering the produced message to said second network (See column 10, lines 50-67, wherein “periodically” reads on “broadcast” which is done between networks on periodic basis, and wherein “first network” reads on “WAN”, and wherein “second network” reads on “WAN”, and wherein “change in value” constitute a “status” update or “alert” message between two network, also see abstract, teaching how trigger event generates a message, and see column 3, lines 61-67, prior art, teaches “event messages” are stored in the vehicle (i.e. LAN));

wherein said at least one device connected to said first network for periodically sending or receiving messages is a device (See column 9, lines 20-21), and said device for sending or receiving messages in response to an event or demand is a navigation system or an internet terminal (See column 9, lines 52-58, wherein “sending or receiving” is accomplished by a communication device).

Janky et al. teaches the claimed invention except for device is an engine controlling device or an ACC control unit.

Menig et al. teaches device is an engine controlling device or an ACC control unit (See Menig et al. column 2, lines 19-29, also see Menig et al. column 3, lines 16-26, also see Menig et al. column 19, lines 25-26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ device is an engine controlling device or an ACC control unit because it provides for centralized warning system for safety of the driver avoiding the danger of collision (See Menig et al. column 2, lines 21-29).

As to claim 8, Janky et al. as modified discloses wherein said gateway further comprises event message receiving means for receiving an event message delivered on to one network in response to an event or demand for reading in data (See abstract, wherein communication is taken place between device and network);

second memory means for storing data of said event message, and periodic message sending means for delivering periodically the data stored in said memory means as a message on a different network (See column 10, lines 50-67, wherein “periodically” reads on “broadcast” which is done between networks on periodic basis, and wherein “first network” reads on “WAN”, and wherein “second network” reads on “WAN”, and wherein “change in value” constitute a “status” update or “alert” message between two network, also see abstract, teaching how trigger event generates a message, and see column 3, lines 61-67, prior art, teaches “event messages” are stored in the vehicle (i.e. LAN)).

Response to Arguments

8. Applicant's arguments with respect to claims 7-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kleinberg (U.S. Patent No. 6,154,123) teaches driver alertness monitoring system.


Art Unit: 2165

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Neeven Abel-Jalil
March 14, 2006